

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRIS BERRYMAN,
*individually and on behalf of all others
similarly situated,*

Plaintiff,

V.

NEWALTA ENVIRONMENTAL
SERVICES, INC.,

Defendant/Third-party Defendant

V.

SMITH MANAGEMENT AND
CONSULTING, LLC,

Third-party Defendant.

Civil Action No. 18-793
Judge Nora Barry Fischer

ORDER OF COURT

AND NOW, this 1st day of November 2018, upon consideration of Newalta's motion to dismiss and compel arbitration (Doc. No. 28), and upon further consideration of the written submissions of the parties (Doc. Nos. 24, 46, 50, 51), and for the reasons set forth in the accompanying memorandum opinion, **IT IS HEREBY ORDERED** that

- 1) Newalta's motion (Doc. No. 28) is **GRANTED IN PART** and **DENIED IN PART**; the motion is granted to the extent the parties are ordered to proceed to arbitration in accordance with the agreement found at Docket Number 28-2;
- 2) Berryman's motion to certify class (Doc. No. 29) is **DENIED**, without prejudice, as moot;

- 3) Newalta's third-party complaint against Smith Management (Doc. No. 18), in its entirety, is **DISMISSED**, without prejudice, as the court declines supplemental jurisdiction over the remaining state law claims at this time; and
- 4) The clerk of court shall mark this case administratively closed pending the completion of arbitration.

This order, however, shall not be considered a final dismissal or disposition of any claims in this action.

IT IS SO ORDERED.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: All counsel of record.